

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02132-CMA-KLM

ANN MARIE MILLER,

Plaintiff,

v.

JENNIFER ANN KELLY,

Defendant.

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**MINUTE ORDER**

**ENTERED BY UNITED STATES MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on *pro se* Plaintiff's **Motion to Set Aside Agreement to Transfer Case to Virginia** [Docket No. 13; Filed October 18, 2010]. On October, 1, 2010, the parties filed a stipulation to transfer the case to the Western District of Virginia [Docket No. 12]. Prior to the District Judge's consideration of the request, Plaintiff filed the present Motion indicating that she now withdraws her consent to transfer the case because she is under criminal investigation in Colorado and allegedly cannot leave the state. *Motion* [#13] at 1. In addition, she now claims that she signed the stipulation "under duress." *Id.*

**IT IS HEREBY ORDERED** that the Motion is **DENIED without prejudice**. The Motion fails to comply with D.C.COLO.LCivR 7.1A., in that Plaintiff has failed to certify that she conferred with Defendant prior to its filing. This is Plaintiff's second admonition to comply with the Local Rules [Docket No. 8]. Regardless of Plaintiff's *pro se* status, she is obligated to comply with the rules of this Court. See *Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992). Any future failures to comply with the Local Rules and the Court's orders will prompt the Court to recommend dismissal of her case.

**IT IS FURTHER ORDERED** that the Scheduling Conference set for November 17, 2010 at 10:00 a.m. is **vacated** and will be reset at a later date, if appropriate. Finally, the Court notes that Plaintiff has filed a premature proposed scheduling order which does not contain any input from Defendant [Docket No. 14]. This is improper. Accordingly,

**IT IS FURTHER ORDERED** that the proposed scheduling order [#14] is **STRICKEN**. If the Scheduling Conference is rescheduled, Plaintiff must confer with Defendant and submit a proposed scheduling order that reflects both party's input.

Dated: October 19, 2010